

Remarks:

Applicant has studied the Office Action, and has amended the claims to overcome the Examiner's rejections. By virtue of this amendment, claims 21, 34, 37 and 38 are amended. Claim 22 is canceled. Claims 21, 32, 34, and 38 are presented in independent form, with claims 23-31, 33, 35-37, and 39-42 respectively depending there from.

No new matter has been presented. Support for the amended language is found particularly in claims 22, 33 and 35, reciting a mobile communication device having an internal and an external display. Further support for the amendments is found within the specification and the drawings. It is submitted that the application, as amended, is in condition for allowance. Reconsideration and reexamination are respectfully requested.

§103 Rejection(s):

Claims 21-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,169,911 B1 (Wagner) in view of US 5,933,088 (Lipp).

With respect to claims 21, 32, 34 and 38, the Examiner contends that it would have been obvious to modify Wagner teaching a handheld cellular phone in view of Lipp directed to a pager unit. Based on our careful review of the above two cited references, the claims are amended to more particularly distinguish the claimed invention from the cited references.

Support for the amended language is found in dependent claims 22 (now canceled) 33 and 35. Said dependent claims recite an internal and an external display for the mobile communication terminal. The recited elements are now incorporated into independent claims 21, 32, 34 and 38 within the proper context. Since the amended language in claims 21, 32, 34, and 38 was previously part of the claims reviewed by the Examiner (i.e., claims 22, 33 and 35), the amendments do not necessitate a new search or new grounds of rejection.

Referring to amended independent claims 21, 32, 34 and 38, each claim has been amended to recite "displaying on an external [or first] display of the mobile communication

terminal, the message information [i.e. caller name, caller character and caller telephone number]" and "displaying on the internal [or second] display of the mobile communication terminal, the message content" for the first message.

Neither of the cited references disclose the above-noted elements. Particularly, the device disclosed in Wagner includes a single display 4, having various display areas for displaying both the message information and the message content. As such, Wagner teaches away from breaking up the two categories of information for presentation on two separate displays. Thus, it would have been counter intuitive for a person of ordinary skill in the art to modify Wagner in view of Lipp (which also teaches a single display pager) in further view of US 2002/0037,754 A1 (Hama).

Further, Hama was filed on September 25, 2001 and published on March 28, 2002. Please note that the present application was filed on December 28, 2001 and claims priority to Korean Applications No. 2000-85646 filed December 29, 2000 and No. 2001-7815 filed February 16, 2001, each of which predate Hama's filing date. Thus, Hama is an improper reference under section 103 or 102(g) and should be withdrawn.

For the above reason alone, the finality of the pending Office Action should be withdrawn. It is further submitted that since the Examiner has used Hama to establish a prima facie case of obviousness for rejecting claims 22, 33 and 35, the rejection of said claims should be also withdrawn.

With respect to US 5,572,576 (Klausner), the Applicant notes that the reference discloses a caller ID type telephone answering device. The Klausner's device is designed for recording and playing voice messages, not to receive or send communication signals over a cellular communication network. Furthermore, the Klausner's device cannot be even used for receiving or displaying text messages. The caller ID information for each voice message is displayed so that a user can choose to listen to the voice messages based on the caller ID information. (See Abstract of Klausner et al.)

The Examiner refers to arrow key 34 shown on FIG. 1 that allows a user to scroll through and select an entry in the caller ID information list displayed on the telephone. (See columns 10-12 of Klausner). It is not clear from the Office Action, how a person of reasonable skill in the art would be motivated to modify Wagner's device, based on the voice recorder device of Klausner.

It is well settled that the mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. In re Mills, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990). Since obviousness may not be established by hindsight reconstruction or conjecture, Applicant invites the Examiner to point out the alleged motivation to combine with specificity,¹ or alternatively provide a reference or affidavit in support thereof, pursuant to MPEP §2144.03.²

Please further note that the claims as amended recite a mobile communication terminal operative to send and receive messages in a cellular communication network because cellular communication networks do not send or receive messages in the same way as paging networks. Accordingly, the pager system of Lipp is distinguishable from the claimed invention.

Referring to col. 2, lns. 40-63, coded messages in the paging system of Lipp are communicated by a detection and delivery mechanism that processes a message coded with a selective address corresponding to an address stored in the memory of the pager unit. In contrast, a message communicated in a cellular communication network is packetized and transmitted to the mobile communication terminal based on communication protocols such as TDMA, CDMA that are distinguishable from the communication method taught in Lipp. As such, the paging system of Lipp cannot be used as a proper reference to teach the claimed invention directed to a cellular mobile communication network.

For the above reasons, claims 21, 32, 34 and 38 as amended distinguish over the cited references and should be in condition for allowance. Claims 23-31, 33, 35-37 and 39-42

¹ *ACS Hospital Systems, Inc. v. Montefiore Hospital*, 221 U.S.P.Q. 929, 933 (Fed. Cir. 1984).

² "The rationale supporting an obviousness rejection may be based on common knowledge in the art or "well-known" prior art . . . If the applicant traverses such an assertion the examiner should cite a reference in support of his or her position. When a rejection is based on facts within the personal knowledge of the examiner . . . the facts must be supported, when called for by the applicant, by an affidavit from the examiner."


respectively depending on claims 21, 32, 34, and 38 should be also in condition for allowance by the virtue of being dependent on allowable base claims.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein; and no amendment made was for the purpose of narrowing the scope of any claim, unless Applicants have expressly argued herein that such amendment was made to distinguish over a particular reference or combination of references.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California, telephone number (213) 623-2221 to discuss the steps necessary for placing the application in condition for allowance.

Respectfully submitted,
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